

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2004 recommended by the committee of conference, with comparisons to the fiscal year 2003 amount, the 2004 budget estimates, and the House and Senate bills for 2004 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2003	\$10,698,800
Budget estimates of new (obligational) authority, fiscal year 2004	9,117,281
House bill, fiscal year 2004	9,196,000
Senate bill, fiscal year 2004	9,196,000
Conference agreement, fiscal year 2004	9,316,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2003	-1,382,800
Budget estimates of new (obligational) authority, fiscal year 2004	+198,719
House bill, fiscal year 2004	+120,000
Senate bill, fiscal year 2004	+120,000

JOE KNOLLENBERG,
JAMES T. WALSH,
ROBERT B. ADERHOLT,
KAY GRANGER,
VIRGIL GOODE,
DAVID VITTER,
JACK KINGSTON,
ANDER CRENSHAW,
BILL YOUNG,
CHET EDWARDS,
SAM FARR,
ALLEN BOYD,
SANFORD D. BISHOP, Jr.,
NORMAN DICKS,
DAVID OBEY,

Managers on the Part of the House.

KAY BAILEY HUTCHISON,
CONRAD BURNS,
LARRY E. CRAIG,
MIKE DEWINE,
SAM BROWNBACK,
TED STEVENS,
DIANNE FEINSTEIN,
DANIEL K. INOUE,
TIM JOHNSON,
MARY LANDRIEU,
ROBERT C. BYRD,

Managers on the Part of the Senate.

TRAFFICKING VICTIMS PROTECTION REAUTHORIZATION ACT OF 2003

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2620) to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2620

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trafficking Victims Protection Reauthorization Act of 2003".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Trafficking in persons continues to victimize countless men, women, and children in the United States and abroad.

(2) Since the enactment of the Trafficking Victims Protection Act of 2000 (division A of Public Law 106-386), the United States Government has made significant progress in investigating and prosecuting acts of trafficking and in responding to the needs of victims of trafficking in the United States and abroad.

(3) On the other hand, victims of trafficking have faced unintended obstacles in the process of securing needed assistance, including admission to the United States under section 101(a)(15)(T)(i) of the Immigration and Nationality Act.

(4) Additional research is needed to fully understand the phenomenon of trafficking in persons and to determine the most effective strategies for combating trafficking in persons.

(5) Corruption among foreign law enforcement authorities continues to undermine the efforts by governments to investigate, prosecute, and convict traffickers.

(6) International Law Enforcement Academies should be more fully utilized in the effort to train law enforcement authorities, prosecutors, and members of the judiciary to address trafficking in persons-related crimes.

SEC. 3. ENHANCING PREVENTION OF TRAFFICKING IN PERSONS.

(a) BORDER INTERDICTION, PUBLIC INFORMATION PROGRAMS, AND COMBATING INTERNATIONAL SEX TOURISM.—Section 106 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104) is amended—

(1) by redesignating subsection (c) as subsection (f);

(2) by inserting after subsection (b) the following new subsections:

“(c) BORDER INTERDICTION.—The President shall establish and carry out programs of border interdiction outside the United States. Such programs shall include providing grants to foreign nongovernmental organizations that provide for transit shelters operating at key border crossings and that help train survivors of trafficking in persons to educate and train border guards and officials, and other local law enforcement officials, to identify traffickers and victims of severe forms of trafficking, and the appropriate manner in which to treat such victims. Such programs shall also include, to the extent appropriate, monitoring by such survivors of trafficking in persons of the implementation of border interdiction programs, including helping in the identification of such victims to stop the cross-border transit of victims. The President shall ensure that any program established under this subsection provides the opportunity for any trafficking victim who is freed to return to his or her previous residence if the victim so chooses.

“(d) INTERNATIONAL MEDIA.—The President shall establish and carry out programs that support the production of television and radio programs, including documentaries, to inform vulnerable populations overseas of the dangers of trafficking, and to increase awareness of the public in countries of destination regarding the slave-like practices and other human rights abuses involved in trafficking, including fostering linkages between individuals working in the media in different countries to determine the best methods for informing such populations through such media.

“(e) COMBATING INTERNATIONAL SEX TOURISM.—

“(1) DEVELOPMENT AND DISSEMINATION OF MATERIALS.—The President, pursuant to such regulations as may be prescribed, shall ensure that materials are developed and disseminated to alert travelers that sex tourism (as described in subsections (b) through (f) of section 2423 of title 18, United States Code) is

illegal, will be prosecuted, and presents dangers to those involved. Such materials shall be disseminated to individuals traveling to foreign destinations where the President determines that sex tourism is significant.

“(2) MONITORING OF COMPLIANCE.—The President shall monitor compliance with the requirements of paragraph (1).

“(3) FEASIBILITY REPORT.—Not later than 180 days after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2003, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Affairs of the Senate a report that describes the feasibility of such United States Government materials being disseminated through public-private partnerships to individuals traveling to foreign destinations.”; and

(3) in subsection (f) (as redesignated), by striking “initiatives described in subsections (a) and (b)” and inserting “initiatives and programs described in subsections (a) through (e)”.

(b) TERMINATION OF CERTAIN GRANTS, CONTRACTS AND COOPERATIVE AGREEMENTS.—Section 106 of such Act (as amended by subsection (a)) is further amended by adding at the end the following new subsection:

“(g) TERMINATION OF CERTAIN GRANTS, CONTRACTS AND COOPERATIVE AGREEMENTS.—

“(1) TERMINATION.—The President shall ensure that any grant, contract, or cooperative agreement provided or entered into by a Federal department or agency under which funds described in paragraph (2) are to be provided to a private entity, in whole or in part, shall include a condition that authorizes the department or agency to terminate the grant, contract, or cooperative agreement, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor (i) engages in severe forms of trafficking in persons or has procured a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect, or (ii) uses forced labor in the performance of the grant, contract, or cooperative agreement.

“(2) ASSISTANCE DESCRIBED.—Funds referred to in paragraph (1) are funds made available to carry out any program, project, or activity abroad funded under major functional budget category 150 (relating to international affairs).”.

SEC. 4. ENHANCING PROTECTION FOR TRAFFICKING VICTIMS.

(a) AMENDMENTS TO TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—

(1) COOPERATION BETWEEN FOREIGN GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.—Section 107(a)(1)(B) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(a)(1)(B)) is amended by adding at the end before the period the following: “, and by facilitating contact between relevant foreign government agencies and such nongovernmental organizations to facilitate cooperation between the foreign governments and such organizations”.

(2) ASSISTANCE FOR FAMILY MEMBERS OF VICTIMS OF TRAFFICKING IN UNITED STATES.—Section 107(b)(1) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)) is amended—

(A) in subparagraph (A), by inserting “, or an alien classified as a nonimmigrant under section 101(a)(15)(T)(ii),” after “in persons”; and

(B) in subparagraph (B)—

(i) by inserting “and aliens classified as a nonimmigrant under section 101(a)(15)(T)(ii),” after “United States,”; and

(ii) by adding at the end the following new sentence: “In the case of nonentitlement programs funded by the Secretary of Health

and Human Services, such benefits and services may include services to assist potential victims of trafficking in achieving certification and to assist minor dependent children of victims of severe forms of trafficking in persons or potential victims of trafficking."

(3) CERTIFICATION OF VICTIMS OF A SEVERE FORM OF TRAFFICKING IN PERSONS.—Section 107(b)(1)(E) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(b)(1)(E)) is amended by adding at the end the following new clause:

"(iv) ASSISTANCE TO INVESTIGATIONS.—In making the certification described in this subparagraph with respect to the assistance to investigation or prosecution described in clause (i)(I), the Secretary of Health and Human Services shall consider statements from State and local law enforcement officials that the person referred to in subparagraph (C)(ii)(II) has been willing to assist in every reasonable way with respect to the investigation and prosecution of State and local crimes such as kidnapping, rape, slavery, or other forced labor offenses, where severe forms of trafficking appear to have been involved."

(4) PRIVATE RIGHT OF ACTION.—

(A) IN GENERAL.—Chapter 77 of part I of title 18, United States Code, is amended by adding at the end the following new section: "**§ 1595. Civil remedy**

"(a) An individual who is a victim of a violation of section 1589, 1590, or 1591 of this chapter may bring a civil action against the perpetrator in an appropriate district court of the United States and may recover damages and reasonable attorneys fees.

"(b)(I) Any civil action filed under this section shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

"(2) In this subsection, a 'criminal action' includes investigation and prosecution and is pending until final adjudication in the trial court."

(B) CONFORMING AMENDMENT.—The table of contents of chapter 77 of part I of title 18, United States Code, is amended by adding at the end the following new item:

"1595. Civil remedy."

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—

(1) NONIMMIGRANT ALIEN CLASSES.—Section 101(a)(15)(T) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)) is amended—

(A) in clause (i)(III)(bb), by striking "15 years of age," and inserting "18 years of age,"; and

(B) in clause (ii)(I), by inserting "unmarried siblings under 18 years of age on the date on which such alien applied for status under such clause," before "and parents";.

(2) ADMISSION OF NONIMMIGRANTS.—Section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)) is amended—

(A) in paragraph (3), by inserting "siblings," before "or parents";; and

(B) by adding at the end the following:

"(4) An unmarried alien who seeks to accompany, or follow to join, a parent granted status under section 101(a)(15)(T)(i), and who was under 21 years of age on the date on which such parent applied for such status, shall continue to be classified as a child for purposes of section 101(a)(15)(T)(ii), if the alien attains 21 years of age after such parent's application was filed but while it was pending.

"(5) An alien described in clause (i) of section 101(a)(15)(T) shall continue to be treated as an alien described in clause (ii)(I) of such section if the alien attains 21 years of age after the alien's application for status under such clause (i) is filed but while it is pending.

"(6) In making a determination under section 101(a)(15)(T)(i)(III)(aa) with respect to an alien, statements from State and local law enforcement officials that the alien has complied with any reasonable request for assistance in the investigation or prosecution of crimes such as kidnapping, rape, slavery, or other forced labor offenses, where severe forms of trafficking in persons (as defined in section 103 of the Trafficking Victims Protection Act of 2000) appear to have been involved, shall be considered."

(3) ADJUSTMENT OF STATUS.—Section 245(l) of the Immigration and Nationality Act (8 U.S.C. 1255(l)) (as added by section 107(f) of Public Law 106-386) is amended—

(A) in paragraph (1)—

(i) by striking "admitted under that section" and inserting "admitted under section 101(a)(15)(T)(ii)";; and

(ii) by inserting "sibling," after "parent,"; and

(B) in paragraph (3)(B), by inserting "siblings," after "daughters,".

(4) EXEMPTION FROM PUBLIC CHARGE GROUND FOR INADMISSIBILITY.—Section 212(d)(13) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(13)), as added by section 107(e)(3) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(e)(3)), is amended—

(A) in subparagraph (A), by striking the period at the end and adding the following:

"", except that the ground for inadmissibility described in subsection (a)(4) shall not apply with respect to such a nonimmigrant.";; and

(B) in subparagraph (B)—

(i) by amending clause (i) to read as follows:

"(i) subsection (a)(I); and";; and

(ii) in clause (ii)—

(I) by striking "such subsection" and inserting "subsection (a)";; and

(II) by inserting "(4)," after "(3)";.

(5) AGGRAVATED FELONY DEFINED.—Section 101(a)(43)(K)(iii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(K)(iii)) is amended to read as follows:

"(iii) is described in any of sections 1581-1585 or 1588-1591 of title 18, United States Code (relating to peonage, slavery, involuntary servitude, and trafficking in persons);".

SEC. 5. ENHANCING PROSECUTIONS OF TRAFFICKERS.

(a) SEX TRAFFICKING OF CHILDREN OR BY FORCE, FRAUD, OR COERCION.—Section 1591 of title 18, United States Code, is amended—

(1) in the heading, by inserting a comma after "FRAUD";;

(2) in subsection (a)(1), by striking "in or affecting interstate commerce" and inserting "in or affecting interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States";; and

(3) in subsection (b), by striking "the person transported" each place it appears and inserting "the person recruited, enticed, harbored, transported, provided, or obtained".

(b) DEFINITION OF RACKETEERING ACTIVITY.—Section 1961(1)(A) of title 18, United States Code is amended by striking "sections 1581-1588 (relating to peonage and slavery)" and inserting "sections 1581-1591 (relating to peonage, slavery, and trafficking in persons)".

(c) CONFORMING AMENDMENTS.—(1) The heading for chapter 77 of part I of title 18, United States Code, is amended to read as follows:

"CHAPTER 77—PEONAGE, SLAVERY, AND TRAFFICKING IN PERSONS".

(2) The table of contents for part I of title 18, United States Code, is amended in the item relating to chapter 77 to read as follows:

"77. Peonage, slavery, and trafficking in persons".

SEC. 6. ENHANCING UNITED STATES EFFORTS TO COMBAT TRAFFICKING.

(a) REPORT.—

(1) IN GENERAL.—Section 105(d) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(d)) is amended by adding at the end the following new paragraph:

"(7) Not later than May 1, 2004, and annually thereafter, the Attorney General shall submit to the Committee on Ways and Means, the Committee on International Relations, and the Committee on the Judiciary of the House of Representatives and the Committee on Finance, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, a report on Federal agencies that are implementing any provision of this division, or any amendment made by this division, which shall include, at a minimum, information on—

"(A) the number of persons who received benefits or other services under section 107(b) in connection with programs or activities funded or administered by the Secretary of Health and Human Services, the Secretary of Labor, the Board of Directors of the Legal Services Corporation, and other appropriate Federal agencies during the preceding fiscal year;

"(B) the number of persons who have been granted continued presence in the United States under section 107(c)(3) during the preceding fiscal year;

"(C) the number of persons who have applied for, been granted, or been denied a visa or otherwise provided status under section 101(a)(15)(T)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(T)(i)) during the preceding fiscal year;

"(D) the number of persons who have been charged or convicted under one or more of sections 1581, 1583, 1584, 1589, 1590, 1591, 1592, or 1594 of title 18, United States Code, during the preceding fiscal year and the sentences imposed against each such person;

"(E) the amount, recipient, and purpose of each grant issued by any Federal agency to carry out the purposes of sections 106 and 107 of this Act, or section 134 of the Foreign Assistance Act of 1961, during the preceding fiscal year;

"(F) the nature of training conducted pursuant to section 107(c)(4) during the preceding fiscal year; and

"(G) the activities undertaken by the Senior Policy Operating Group to carry out its responsibilities under section 105(f) of this division."

(2) CONFORMING AMENDMENT.—Section 107(b)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7105(b)(1)) is amended by striking subparagraph (D).

(b) SUPPORT FOR THE TASK FORCE.—

(1) AMENDMENT.—The second sentence of section 105(e) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(e)) is amended by inserting at the end before the period the following: ", who shall be appointed by the President, by and with the advice and consent of the Senate, with the rank of Ambassador-at-Large".

(2) APPLICABILITY.—The individual who holds the position of Director of the Office to Monitor and Combat Trafficking of the Department of State may continue to hold such position notwithstanding the amendment made by paragraph (1).

(c) SENIOR POLICY OPERATING GROUP.—

(1) AMENDMENT.—Section 105 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103) is amended by adding at the end the following new subsection:

"(f) SENIOR POLICY OPERATING GROUP.—

“(1) ESTABLISHMENT.—There shall be established within the executive branch a Senior Policy Operating Group.

“(2) MEMBERSHIP; RELATED MATTERS.—

“(A) IN GENERAL.—The Operating Group shall consist of the senior officials designated as representatives of the appointed members of the Task Force (pursuant to Executive Order 13257 of February 13, 2002).

“(B) CHAIRPERSON.—The Operating Group shall be chaired by the Director of the Office to Monitor and Combat Trafficking of the Department of State.

“(C) MEETINGS.—The Operating Group shall meet on a regular basis at the call of the Chairperson.

“(3) DUTIES.—The Operating Group shall coordinate activities of Federal departments and agencies regarding policies (including grants and grant policies) involving the international trafficking in persons and the implementation of this division.

“(4) AVAILABILITY OF INFORMATION.—Each Federal department or agency represented on the Operating Group shall fully share all information with such Group regarding the department or agency's plans, before and after final agency decisions are made, on all matters relating to grants, grant policies, and other significant actions regarding the international trafficking in persons and the implementation of this division.

“(5) REGULATIONS.—Not later than 90 days after the date of the enactment of the Trafficking Victims Protection Reauthorization Act of 2003, the President shall promulgate regulations to implement this section, including regulations to carry out paragraph (4).”

(2) CONFORMING AMENDMENT.—Section 406 of the Department of State and Related Agency Appropriations Act, 2003 (as contained in division B of Public Law 108-7) is hereby repealed.

(d) MINIMUM STANDARDS FOR THE ELIMINATION OF TRAFFICKING.—Section 108(b) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7106(b)) is amended—

(1) in paragraph (1)—

(A) by striking “that take place wholly or partly within the territory of the country” and inserting “, and convicts and sentences persons responsible for such acts, that take place wholly or partly within the territory of the country”; and

(B) by adding at the end the following new sentences: “After reasonable requests from the Department of State for data regarding investigations, prosecutions, convictions, and sentences, a government which does not provide such data, consistent with the capacity of such government to obtain such data, shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.”;

(2) in paragraph (7)—

(A) by striking “and prosecutes” and inserting “, prosecutes, convicts, and sentences”; and

(B) by adding at the end the following new sentence: “After reasonable requests from the Department of State for data regarding such investigations, prosecutions, convictions, and sentences, a government which does not provide such data consistent with its resources shall be presumed not to have vigorously investigated, prosecuted, con-

victed, or sentenced such acts. During the periods prior to the annual report submitted on June 1, 2004, and on June 1, 2005, and the periods afterwards until September 30 of each such year, the Secretary of State may disregard the presumption contained in the preceding sentence if the government has provided some data to the Department of State regarding such acts and the Secretary has determined that the government is making a good faith effort to collect such data.”.

(3) by adding the following new paragraphs at the end:

“(8) Whether the percentage of victims of severe forms of trafficking in the country that are non-citizens of such countries is insignificant.

“(9) Whether the government of the country, consistent with the capacity of such government, systematically monitors its efforts to satisfy the criteria described in paragraphs (1) through (8) and makes available publicly a periodic assessment of such efforts.

“(10) Whether the government of the country achieves appreciable progress in eliminating severe forms of trafficking when compared to the assessment in the previous year.”.

(e) SPECIAL WATCH LIST.—Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph:

“(3) SPECIAL WATCH LIST.—

“(A) SUBMISSION OF LIST.—Not later than the date on which the determinations described in subsections (c) and (d) are submitted to the appropriate congressional committees in accordance with such subsections, the Secretary of State shall submit to the appropriate congressional committees a list of countries that the Secretary determines requires special scrutiny during the following year. The list shall be composed of the following countries:

“(i) Countries that have been listed pursuant to paragraph (1)(A) in the current annual report and were listed pursuant to paragraph (1)(B) in the previous annual report.

“(ii) Countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report and were listed pursuant to paragraph (1)(C) in the previous annual report.

“(iii) Countries that have been listed pursuant to paragraph (1)(B) pursuant to the current annual report, where—

“(I) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;

“(II) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecutions and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or

“(III) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

“(B) INTERIM ASSESSMENT.—Not later than February 1st of each year, the Secretary of State shall provide to the appropriate congressional committees an assessment of the progress that each country on the special watch list described in subparagraph (A) has made since the last annual report.

“(C) RELATION OF SPECIAL WATCH LIST TO ANNUAL TRAFFICKING IN PERSONS REPORT.—A determination that a country shall not be

placed on the special watch list described in subparagraph (A) shall not affect in any way the determination to be made in the following year as to whether a country is complying with the minimum standards for the elimination of trafficking or whether a country is making significant efforts to bring itself into compliance with such standards.”.

(f) ENHANCING UNITED STATES ASSISTANCE.—Section 134(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152d(b)) is amended by adding at the end the following new sentence: “Assistance may be provided under this section notwithstanding section 660 of this Act.”.

(g) RESEARCH RELATING TO TRAFFICKING IN PERSONS.—

(1) IN GENERAL.—The Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 et seq.) is amended by inserting after section 112 the following new section:

“SEC. 112A. RESEARCH ON DOMESTIC AND INTERNATIONAL TRAFFICKING IN PERSONS.

“The President, acting through the Council of Economic Advisors, the National Research Council of the National Academies, the Secretary of Labor, the Secretary of Health and Human Services, the Attorney General, the Secretary of State, the Administrator of the United States Agency for International Development, and the Director of Central Intelligence, shall carry out research, including by providing grants to non-governmental organizations, as well as relevant United States Government agencies and international organizations, which furthers the purposes of this division and provides data to address the problems identified in the findings of this division. Such research initiatives shall, to the maximum extent practicable, include, but not be limited to, the following:

“(1) The economic causes and consequences of trafficking in persons.

“(2) The effectiveness of programs and initiatives funded or administered by Federal agencies to prevent trafficking in persons and to protect and assist victims of trafficking.

“(3) The interrelationship between trafficking in persons and global health risks.”.

(2) CONFORMING AMENDMENT.—The table of contents of the Victims of Trafficking and Violence Protection Act of 2000 is amended by inserting after the item relating to section 112 the following new item:

“Sec. 112A. Research on domestic and international trafficking in persons.”.

(h) SANCTIONS AND WAIVERS.—Section 110(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(d)) is amended—

(1) in paragraph (4), by inserting after “nonhumanitarian, nontrade-related foreign assistance” the following: “or funding for participation in educational and cultural exchange programs”; and

(2) in paragraph (5)(A)(i), by inserting after “foreign assistance” the following: “or funding for participation in educational and cultural exchange programs”.

(i) SUBSEQUENT WAIVER AUTHORITY.—Section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) is amended by adding at the end the following new subsection:

“(f) After the President has made a determination described in subsection (d)(1) with respect to the government of a country, the President may at any time make a determination described in paragraphs (4) and (5) of subsection (d) to waive, in whole or in part, the measures imposed against the country by the previous determination under subsection (d)(1).”.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS; RELATED MATTERS.

Section 113 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a)—

(A) by striking “105” and inserting “105(e), 105(f)”; and

(B) by striking “and \$3,000,000 for each of the fiscal years 2002 and 2003” and inserting “, \$3,000,000 for each of the fiscal years 2002 and 2003, and \$5,000,000 for each of the fiscal years 2004 and 2005”;

(2) in subsection (b), by adding at the end before the period the following: “and \$15,000,000 for each of the fiscal years 2004 and 2005”;

(3) in subsection (c)—

(A) in paragraph (1) to read as follows:

“(1) BILATERAL ASSISTANCE TO COMBAT TRAFFICKING.—

“(A) PREVENTION.—To carry out the purposes of section 106, there are authorized to be appropriated to the Secretary of State \$10,000,000 for each of the fiscal years 2004 and 2005.

“(B) PROTECTION.—To carry out the purposes of section 107(a), there are authorized to be appropriated to the Secretary of State \$15,000,000 for fiscal year 2003 and \$10,000,000 for each of the fiscal years 2004 and 2005.

“(C) PROSECUTION AND MEETING MINIMUM STANDARDS.—To carry out the purposes of section 134 of the Foreign Assistance Act of 1961, there are authorized to be appropriated \$10,000,000 for each of the fiscal years 2004 and 2005 to assist in promoting prosecution of traffickers and otherwise to assist countries in meeting the minimum standards described in section 108 of this Act, including \$250,000 for each such fiscal year to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.”; and

(B) in paragraph (2), by striking “for each of the fiscal years 2001, 2002, and 2003” and inserting “for each of the fiscal years 2001 through 2005”;

(4) in subsection (d)—

(A) by adding at the end before the period the following: “and \$15,000,000 for each of the fiscal years 2004 and 2005”; and

(B) by adding at the end the following new sentence: “To carry out the purposes of section 134 of the Foreign Assistance Act of 1961 (as added by section 109), there are authorized to be appropriated to the President, acting through the Attorney General and the Secretary of State, \$250,000 for each of fiscal years 2004 and 2005 to carry out training activities for law enforcement officers, prosecutors, and members of the judiciary with respect to trafficking in persons at the International Law Enforcement Academies.”;

(5) in subsection (e)—

(A) in paragraphs (1) and (2), by striking “for fiscal year 2003” each place it appears and inserting “for each of the fiscal years 2003 through 2005”; and

(B) by adding at the end the following new paragraph:

“(3) RESEARCH.—To carry out the purposes of section 112A, there are authorized to be appropriated to the President \$300,000 for fiscal year 2004 and \$300,000 for fiscal year 2005.”;

(6) in subsection (f), by adding at the end before the period the following: “and \$10,000,000 for each of the fiscal years 2004 and 2005”; and

(7) by adding at the end the following new subsection:

“(g) LIMITATION ON USE OF FUNDS.—

“(1) RESTRICTION ON PROGRAMS.—No funds made available to carry out this division, or any amendment made by this division, may

be used to promote, support, or advocate the legalization or practice of prostitution. Nothing in the preceding sentence shall be construed to preclude assistance designed to promote the purposes of this Act by ameliorating the suffering of, or health risks to, victims while they are being trafficked or after they are out of the situation that resulted from such victims being trafficked.

“(2) RESTRICTION ON ORGANIZATIONS.—No funds made available to carry out this division, or any amendment made by this division, may be used to implement any program that targets victims of severe forms of trafficking in persons described in section 103(8)(A) of this Act through any organization that has not stated in either a grant application, a grant agreement, or both, that it does not promote, support, or advocate the legalization or practice of prostitution. The preceding sentence shall not apply to organizations that provide services to individuals solely after they are no longer engaged in activities that resulted from such victims being trafficked.”.

SEC. 8. TECHNICAL CORRECTIONS.

(a) IMMIGRATION AND NATIONALITY ACT.—

(1) CLASSES OF NONIMMIGRANT ALIENS.—Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(A) by moving the margins of subparagraphs (T) and (U) 2 ems to the left;

(B) in subparagraph (T), by striking “214(n),” and inserting “214(o),”;

(C) in subparagraph (U), by striking “214(o),” and inserting “214(p),”;

(D) in subparagraph (V), by striking “214(o),” and inserting “214(q),”.

(2) CLASSES OF ALIENS INELIGIBLE FOR VISAS AND ADMISSION.—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended by redesignating the paragraph (13) added by section 1513(e) of the Battered Immigrant Women Protection Act of 2000 (title V of division B of Public Law 106-386; 114 Stat. 1536) as paragraph (14).

(3) ADMISSION OF NONIMMIGRANTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by redesignating subsections (m) (as added by section 105 of Public Law 106-313), (n) (as added by section 107(e) of Public Law 106-386), (o) (as added by section 1513(c) of Public Law 106-386), (p) (as added by section 1102(b) of the Legal Immigration Family Equity Act), and (q) (as added by section 1503(b) of the Legal Immigration Family Equity Act) as subsections (n), (o), (p), (q), and (r), respectively.

(4) ADJUSTMENT OF STATUS OF NON-IMMIGRANTS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended—

(A) in the subsection (1) added by section 107(f) of Public Law 106-386, by redesignating the second paragraph (2), and paragraphs (3) and (4), as paragraphs (3), (4), and (5), respectively; and

(B) by redesignating the subsection (1) added by section 1513(f) of Public Law 106-386 as subsection (m).

(b) TRAFFICKING VICTIMS PROTECTION ACT OF 2000.—(1) Section 103(7)(A)(i) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(7)(A)(i)) is amended by inserting after “part II of that Act” the following: “in support of programs of nongovernmental organizations”.

(2) Section 107(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7105(g)) is amended by striking “214(n)(1)” and inserting “214(o)(2)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2620.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Trafficking Victims Protection Act of 2000, Public Law 106-386 has made an enormous positive difference in our efforts to end modern-day slavery, a nefarious enterprise that, according to the United Nations, nets the exploiters something in the order of \$7 billion to \$10 billion each year.

This modern-day slavery, this terrible practice that is in our midst, enslaves more than 800,000 to 900,000 people according to the United States Department of State, of which about 20,000 are brought to this country every year to be exploited in the sex trade and in other aspects of this modern-day slavery. That number, I would point out to my colleagues, does not even include those who are trafficked intracountry. For instance, in places like India where there are millions of women who are forced into sexual slavery, they are not even counted in this number. It is for the victim, a difference without a distinction like the difference between a refugee and the internally displaced person—IDP. They suffer the same misery, but they have not crossed a geographic border. But nevertheless, the exploitation continues.

The 3-year-old landmark law with its numerous mutually-reinforcing provisions to prevent trafficking, to protect victims, and to prosecute to the max those who traffic, has been a model statute worldwide. Indeed, many of its provisions have been adopted into law, in whole or in part, by governments around the world.

Mr. Speaker, the Trafficking Victims Protection Act of 2000 does not pull any punches. By naming the names of countries out of compliance with what we call “minimum standards”, and by imposing smart sanctions that are prescribed in the Act, the withholding of nonhumanitarian foreign aid, for example, we have signaled to the world that ending this egregious practice is among the highest priorities of the United States. By prosecuting traffickers and imposing serious jail time, and I would note parenthetically that in my own State of New Jersey, a group of traffickers were convicted under the Act and got just over 17 years for their crimes. So the law is being implemented around the country. There is something in the order of 79 current Federal prosecutions that have been

initiated. We are telling these exploiters that we are coming after you and you are going to have to pay for your crimes.

By protecting the victims, Mr. Speaker, and not sending them back to their home country where they are often exploited again in a cycle of exploitation, we say to the victims, we will try to make you safe and secure. I would point out that nearly 400 survivors of trafficking are already getting help here in the United States and rebuilding their shattered lives.

For its part, Mr. Speaker, the Bush administration has aggressively sought to implement both the spirit and the letter of the law. Our former Congressional colleague, John Miller, is doing an exemplary job as director of what we call the Trafficking in Persons Office. He is living this 24-7 and has a fire in the belly to try to stop the traffickers and provide a safe haven for the women. I commend our former colleague for his outstanding work.

President Bush himself is deeply committed to ending slavery and recently told the U.N. General Assembly that trafficking was a "special evil in the abuse and exploitation of the most innocent and the most vulnerable." He called on the United Nations and its member states to do more; and I am proud of the fact that President Bush has led in both spirit, word and in deed.

Last year President Bush issued what is known as NSPD-22 which established a zero-tolerance policy regarding the U.S. Government employees and contractor personnel representing U.S. abroad who engage in trafficking in persons. In other words, if you do business with the United States, if you are one of our contractors, do not be involved in any way, shape or form, do not be complicit in trafficking. If you do, you are in big trouble and its going to cost you the contract.

The DOD Inspector General, Joseph Schmitz, has released phase one of a global assessment of human trafficking as it relates to the Department of Defense and its activity. We have found that in many of our deployments, that many of our soldiers, sailors, Marines and airmen were actually visiting places where women have been trafficked from Russia and the Philippines. And this is particularly the case in South Korea.

Thankfully, as a result of this Inspector General's report and the action plan that followed, we are achieving the zero-tolerance policy as it relates to our deployments, and hopefully NATO will follow suit soon.

Notwithstanding these initial successes, Mr. Speaker, it is clear that even more has to be done to destroy this mob-infested criminal enterprise known as human trafficking.

The bill before the House today, the Smith-Lantos bill, enhances our efforts. I thank the gentleman from California (Mr. LANTOS) for his leadership on this. We are working in a partnership that is really making a difference.

This legislation that is before us today tries to update, expand, and improve our law. There have been lessons learned since the first law was enacted 3 years ago. They are incorporated into this legislation as we try to do a better job in mitigating the suffering of the victims while simultaneously going after those who traffic and the countries that harbor traffickers who are part of the problems themselves.

Mr. Speaker, I would ask my colleagues to support this legislation. It has a number of mutually-reinforcing provisions, just like the original bill. But it updates current law and expands it as well. For example, we would now require that U.S. contracts relating to international affairs contain clauses authorizing termination by the United States if a contractor engages in human trafficking or procures commercial sexual services while the contract is in force.

We have found, Mr. Speaker, through hearings that have been held, that companies like DynCorps, where we have provided money for their overseas work in the area of policing, particularly in the Balkans, that some of their members, some of those that we are underwriting the cost of, are engaged in trafficking. This is unacceptable. Unfortunately, the only things that happened to those individual employees was they were sent home. The contract continued unabated. This legislation will say, Department of State, DOD or any of the others can rip up that contract if a contractor's personnel are involved in trafficking.

We also promote innovative trafficking prevention initiatives, such as border interdiction programs. And we urge working with private/public partnership on trying to educate and alert travelers as to what is going on with our sex tourism laws so that they know they will be prosecuted. An informational campaign will follow from that.

We provide protections for trafficking victims by allowing State or local law enforcement authorities to assist in identifying the victims of trafficking who have cooperated in the investigation or prosecution of trafficking crimes.

We allow trafficking victims to sue their traffickers in U.S. courts. We eliminate the requirement that the victim of trafficking between the ages of 15 and 18 must cooperate with the investigation and the prosecution of his or her trafficker in order to be eligible for a T Visa. That was an oversight in the first law. It is fixed in this legislation.

We allow benefits and services available to victims of trafficking to be available to their family members and that they may be legally entitled to join them here in the United States. So we do not have the separation and we do not have the situation where they can be exploited back home because their daughter or their sister or their wife, who had been trafficked, goes into a situation of protection here. They are

no longer vulnerable back home. They can come and join them as immigrants.

We also provide prosecution of trafficking-related crimes through a number of provisions, including making human trafficking crimes predicate offenses for RICO charges. We encourage the use of international law enforcement academies to train foreign law enforcement authorities, prosecutors and members of the judiciary regarding human trafficking. We permit Federal anti-trafficking statutes to be used to prosecute acts of trafficking involving foreign commerce or occurring in a special maritime or territorial jurisdiction of the United States.

Equally important in this bill we would elevate, John Miller's position, the Director of the Trafficking in Persons Office, an ambassador-at-large, raising his status and the ability to make changes both in the building, as well as outside of it, in this very important fight.

There is much more. Naturally, we authorize the money it will take to do the job and effectively implement the new law. By and large, this bill is a significant upgrading. This is a bipartisan bill. Again, I want to thank the gentleman from California (Mr. LANTOS) for his leadership on this.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, first I would like to congratulate my good friend, the gentleman from New Jersey (Mr. SMITH), vice chairman of the Committee on International Relations, for his continuing dedication to the critical issue of fighting trafficking in persons. The gentleman from New Jersey (Mr. SMITH) has brought his passionate and principled commitment to this most important matter, and I want to congratulate him.

I am proud to be an original cosponsor of this important reauthorization bill, and I want to thank the chairman, the gentleman from Illinois (Mr. HYDE), for bringing the matter to the floor today. I also want to express publicly my appreciation to the chief democratic council, Mr. David Abromowitz for his invaluable work in connection with this legislation.

Mr. Speaker, in the 106th Congress, the gentleman from New Jersey (Mr. SMITH) and our former colleague, my predecessor as the ranking member of the Committee on International Relations, Mr. Gejdenson of Connecticut, expended enormous energy to pass the Trafficking Victims Protection Act of 2000. At that time, the shocking truth was that thousands of men and women were being forced to labor in fields across the United States without pay, to work endless hours in sweatshops, and to serve in sexual slavery in cities across this country.

□ 1515

U.S. prosecution of traffickers faltered because attorneys in our Department of Justice did not have the right

tools to pursue new forms of trafficking, which often relied on threats, not chains, and on document fraud, not bills of sale.

Overseas, millions of people were being used as chattel, and the brothels of Bombay and Bangkok were overflowing with prostitutes, many of them pitifully young girls who were forced to provide sex.

Governments were barely aware of what was happening to their own people. They usually blamed the victims instead of helping them.

Today, Mr. Speaker, the picture is visibly brighter. Empowered by the Trafficking Victims Protection Act of 2000, the Attorney General is prosecuting cases from all over the United States. Victims are coming forward because of the Federal benefits we are offering to them as we treat them like the refugees that they are.

Naming countries that are not making significant efforts to combat trafficking and threatening them with sanctions are forcing measurable changes in the way that governments around the globe are facing this modern-day form of slavery. This vicious practice is under assault from all directions.

But, Mr. Speaker, trafficking in human beings remains a significant problem. In Brazil, for instance, an estimated 40,000 men, women, and children are forced to toil in large estates to clear land, mine for precious minerals, and produce charcoal and rubber. The abhorrent conditions in which they work amount to slavery in the 21st century in our own hemisphere.

Although the recently installed administration of President Lula has done much to free many of these trapped laborers, resource constraints, political unwillingness to seek legislative changes and a powerful group of large estate owners impede additional efforts.

Mr. Speaker, we clearly need to do more. In the 2½ years since the enactment of the trafficking legislation, we have learned much more about the phenomenon of trafficking and how to combat it. The legislation before us today, the Trafficking Victims Reauthorization Act of 2003, implements these new lessons. For example, our bill authorizes new strategies for prevention, including using trafficking victims to identify traffickers at the borders and deterring sex tourism, which is part of the fuel of sex slavery around the globe.

It increases protection by making measured expansions of the visa category for trafficking victims. It improves cooperation with respect to State and local trafficking prosecutions, which are increasingly in the front line of law enforcement in this area. It enhances prosecution of traffickers by ensuring that trafficking is treated like the organized crime that it is. It coordinates more effectively Federal efforts by ensuring a comprehensive report on our efforts and by estab-

lishing an interagency group to ensure compliance.

I believe the administration in this regard should consider using the expertise developed in the interagency group to review all U.S. assistance programs that affect trafficking victims, including public health programs such as HIV/AIDS that target trafficking victims.

Mr. Speaker, before concluding, I want to commend the President for expressing his commitment to combat trafficking human beings in his speech before the General Assembly of the United Nations this past September. I welcome the President joining our fight against human rights abuses, both in the area of sex trafficking and forced labor.

Indeed, our bill demonstrates a continuing congressional commitment to fighting this outrage by authorizing additional funds for U.S. agencies to combat this human rights crisis around the globe.

Finally, Mr. Speaker, the original legislation, we must all remember, was one of the singular achievements of our late colleague from Minnesota, Senator Paul Wellstone. Adopting this legislation is a fitting tribute to his memory.

I urge all of my colleagues to support H.R. 2620.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. WOLF), my good friend and colleague, who has been a champion on behalf of human rights in general but particularly on this issue of trafficking. His bill, the Commerce, Justice and State appropriations bill, contains many of the provisions that need to be implemented. And not only has he faithfully implemented those; he has provided additional funding and resources for that. So I want to thank him for his leadership.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I thank the chairman for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 2620, the Trafficking Victims Protection Reauthorization Act of 2003. I want to particularly commend the gentleman from New Jersey (Mr. SMITH) for his leadership in Congress and around the world on combatting trafficking but also on all of these issues. Whenever we see the House is ready to take up an issue like trafficking or to help the exploited, whether it be women or children, the gentleman from New Jersey (Mr. SMITH) will always be here; the gentleman from California (Mr. LANTOS) will always be there; the gentleman from Illinois' (Mr. HYDE) name will always be on the bill. So I just want to particularly thank the gentleman from New Jersey (Mr. SMITH) today and the gentleman from California (Mr. LANTOS) for their efforts with regard to this issue.

I also want to thank the gentleman from Illinois (Mr. HYDE) for his work in moving this legislation. All of them, the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS), and the gentleman from Illinois (Mr. HYDE), have shown great leadership and vision and commitment in human rights on all of these issues.

I also want to particularly commend the Office of Trafficking at the State Department. It has done a good job under the leadership of our former colleague, John Miller. John Miller was a great Member of Congress. He represented the Seattle area and used to vote against giving MFN to the barbarians in China because they were persecuting Catholics, Protestants, Muslims, Tibetans, the Dalai Lama's people there. Yet John Miller used to get up and always oppose granting MFN and Seattle was ground zero with regard to Boeing.

John has done an outstanding job. The State Department produces an annual report that is improved each year on the status of trafficking in every country, and John has played a key, key role.

I heard the gentleman from California (Mr. LANTOS) mention it as I was walking in. I want to commend the President of the United States, President George Bush. I was pleasantly surprised, not surprised but pleased, to see the statement that the President made when he addressed the U.N., and he said there is a special evil in the abuse and exploitation of the most innocent and vulnerable. He went on to say we must show new energy in fighting back an old evil, and that is what the bill that the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) are handling today; and he said nearly two centuries after the abolition of the transatlantic slave trade, more than a century after slavery was initially ended in its last stronghold, to trade in human beings for any purpose must not be allowed to thrive in our time. The President was right, and I want to commend and we should commend the President for providing the leadership and putting John Miller where he is and working with the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) to take care of this problem.

Also, I would urge at the end we remember in our own city, there are several hundred thousand young women who are sexually trafficked here in the United States. As we tell countries abroad, put pressure on them, we have to make sure we do everything. So modeling what the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) did, we are going to try to have a national conference next year dealing with the issue in our own country so that we can eliminate this, not just reduce it, but eliminate it.

So in closing, I urge all Members to support this and want to again thank the gentleman from New Jersey (Mr. SMITH), the gentleman from California (Mr. LANTOS), and the gentleman from Illinois (Mr. HYDE) because those three each and every time have been down here defending the weak, the vulnerable in our society.

Mr. LANTOS. Mr. Speaker, first I want to thank my good friend from Virginia for his most gracious words.

Mr. Speaker, I am delighted to yield as much time as she might consume to my distinguished colleague and dear friend, the gentlewoman from California (Ambassador WATSON).

Ms. WATSON. Mr. Speaker, I thank my colleague, the gentleman from California (Mr. LANTOS), for his thorough commitment to the right causes, and I thank the gentleman from New Jersey (Mr. SMITH) for being on the point.

According to the latest U.S. Government estimates, some 800,000 to 900,000 people worldwide are trafficked across borders each year for forced labor or sexual exploitation. Although men are also victimized, the overwhelming majority of those trafficked are women and children. In addition, trafficking in people for prostitution, domestic servitude, and forced labor is an increasing area of international criminal activity.

The reasons for the increase in trafficking are many. In general, the criminal business feeds on poverty, despair, war, crisis, and ignorance. Trafficking is considered one of the largest sources of profits for organized crime, generating 7 to \$10 billion annually, according to United Nations estimates.

The largest number of victims are annually trafficked from Asia and the Pacific region, according to the U.S. Department of State. The growth of sexual tourism in this region is one of the main contributing factors.

Mr. Speaker, as my colleagues know, Congress passed the Victims of Trafficking and Violence Protection Act of 2000, which strengthened many provisions of law dealing with trafficking in persons for sexual and other exploitation. The Trafficking Victims Protection Reauthorization Act of 2003 is critical to maintaining the progress already achieved.

H.R. 2620 authorizes new strategies for prevention, including using trafficking victims to identify traffickers at the borders and to deter sex tourism. It increases protection by making measured expansions of the visa category for trafficking victims. It also improves cooperation with respect to State and local trafficking prosecutions, which are increasingly the front line of law enforcement in this area. This legislation will also enhance the prosecution of traffickers by ensuring that trafficking is treated like the organized crime that it is.

Mr. Speaker, we should also be very concerned about human trafficking and human rights that are violated right

here in this country. H.R. 2620 coordinates Federal efforts by ensuring a comprehensive report on United States antitrafficking actions and by establishing an interagency group to ensure compliance.

I urge my colleagues to support this most-needed legislation, and I thank those who are sponsoring this piece of legislation.

Mr. SMITH of New Jersey. Mr. Speaker, I just have a few closing comments. We have no further speakers, so I reserve the balance of our time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Before closing, I would first like to recognize my friend and colleague from New York (Ms. SLAUGHTER) for her leadership on this issue for many years and for her commitment to this most important cause.

I would like to yield for a colloquy with the distinguished vice chairman of our committee and the principal sponsor of this legislation.

□ 1530

Mr. Speaker, as the gentleman from New Jersey (Mr. SMITH) knows, as in other bills, there are provisions in this legislation that represent a compromise and do not go as far as either side would like. In this case, Mr. Speaker, there is a provision that prohibits providing funds to any organization that promotes, supports, or advocates the legalization of the practice of prostitution. Some have raised concerns regarding this provision since the committee has reported this bill, and I think that this provision needs some clarification.

When this provision was drafted, it was my understanding that an organization can satisfy this requirement if it states in a grant application or in a grant agreement or both that it does not promote, support, or advocate such action since it has no policy regarding this issue. Just to be clear on this point, I yield to the gentleman from New Jersey (Mr. SMITH) to confirm that this is his understanding of the statute.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I agree with the interpretation of the gentleman from California (Mr. LANTOS). It was also my understanding that an organization can satisfy the prohibition that the gentleman has referred to if it states in a grant application, a grant agreement, or both that it does not promote, support, or advocate such actions since it has no policy regarding this issue.

Mr. LANTOS. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH). On that basis, I would say this is a good bipartisan bill, and I strongly urge all of my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I thank the gentleman from California (Mr. LANTOS), and say a very special thanks to the gentleman from Illinois (Chairman HYDE), who has been a stalwart in promoting this legislation. When the gentleman from Illinois was chairman of the Committee on the Judiciary, 3 years ago, we ran into a serious barrier to provisions which referred to the Committee on the Judiciary. Mr. HYDE and Charles Kennedy, our former colleague, were indispensable in making sure that the legislation was not bottlenecked in that committee, and sure enough, a compromise was worked out, and the bill was released out of the Committee on the Judiciary.

I also thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership on this issue as well. And majority leader TOM DELAY for supporting the bill and getting it to the floor. I also thank Renee Austell and Walker Roberts for their work from the Committee on International Relations, Dorothy Taft who is our chief of staff for the Commission on Security Cooperation in Europe, Maureen Walsh, who is also from the commission, who has worked on this, George Phillips, Dina Funderburk who works in the office of the gentleman from Texas (Mr. DELAY), David Abramowitz, a good friend on the Democratic side who has worked so well with us, and I specially want to thank Joseph Rees, who is now our U.S. Ambassador to East Timor. He worked night and day on the original trafficking law and other pieces of legislation when he was staff director of the Subcommittee on International Operations and Human Rights. Joseph used to be the general counsel for the INS. He knew those issues intimately and was indispensable in getting the original trafficking legislation passed. It took almost 2 years to craft that legislation. It ran into a myriad of obstacles. It was referred to four full committees, 11 subcommittees. A number of barriers had to be overcome, and Joseph did a great job, and I thank him for that.

I also remind my colleagues, and I did not go through all of the provisions, but there is so much in this bill. Just recently, the President determined which countries were Tier III, egregious violators which were not making serious and sustained efforts to get off the list, thereby subjecting themselves to a number of sanctions that will be imposed. There are a number of countries that are Tier II. In other words, they have a very serious problem with human trafficking, but they have taken efforts to get off the list. They have passed laws, issued decrees, prosecuted traffickers, and protected victims, but we are concerned, that there could be some erosion or backsliding so they will be watched.

I believe under John Miller's leadership and, of course, with the strong oversight capabilities of the Congress, we will keep pressure on those countries. We create in this bill a new

watch list to try to prevent that kind of slippage from occurring. Yes, the sword of Damocles has been removed, for the time being, from these countries, and there were some 15 that were on Tier III that were at risk of losing significant benefits from the United States Government, many of which got off that through a flurry of activity. But I want them to know, and I say this in bipartisan way, we will be watching. If there is any backsliding, if they do not continue the work to mitigate, and hopefully end, this horrific practice of human slavery, they will lose those benefits. We will take our case everywhere, including the World Bank, international multilateral lending institutions, and they will lose their support if they do not end this complicity in human trafficking. So the watch list is a very important inclusion in this statute or soon-to-be statute. I just want to bring Members' attention to it.

Mr. Speaker, this is a good bill, a bipartisan bill, and I hope Members will support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2620, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

E-911 IMPLEMENTATION ACT OF 2003

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2898) to improve homeland security, public safety and citizen activated emergency response capabilities through the use of enhanced 911 wireless services, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "E-911 Implementation Act of 2003".

SEC. 2. COORDINATION OF E-911 IMPLEMENTATION.

Part C of title I of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 158. COORDINATION OF E-911 IMPLEMENTATION.

"(a) E-911 IMPLEMENTATION COORDINATION OFFICE.—

"(1) ESTABLISHMENT.—The Assistant Secretary and the Administrator of the National Highway Traffic Safety Administration shall—

"(A) establish a joint program to facilitate coordination and communication between Federal, State, and local emergency communications systems, emergency personnel, public safety organizations, telecommunications carriers, and telecommunications equipment manufacturers and vendors involved in the implementation of E-911 services; and

"(B) create an E-911 Implementation Coordination Office to implement the provisions of this section.

"(2) MANAGEMENT PLAN.—The Assistant Secretary and the Administrator shall jointly develop a management plan for the program established under this section. Such plan shall include the organizational structure and funding profiles for the 5-year duration of the program. The Assistant Secretary and the Administrator shall, within 90 days after the date of enactment of this Act, submit the management plan to the Committees on Energy and Commerce and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate.

"(3) PURPOSE OF OFFICE.—The Office shall—

"(A) take actions, in concert with coordinators designated in accordance with subsection (b)(3)(A)(ii), to improve such coordination and communication;

"(B) develop, collect, and disseminate information concerning practices, procedures, and technology used in the implementation of E-911 services;

"(C) advise and assist eligible entities in the preparation of implementation plans required under subsection (b)(3)(A)(iii);

"(D) receive, review, and recommend the approval or disapproval of applications for grants under subsection (b); and

"(E) oversee the use of funds provided by such grants in fulfilling such implementation plans.

"(4) REPORTS.—The Assistant Secretary and the Administrator shall provide a joint annual report to Congress by the first day of October of each year on the activities of the Office to improve coordination and communication with respect to the implementation of E-911 services.

"(b) PHASE II E-911 IMPLEMENTATION GRANTS.—

"(1) MATCHING GRANTS.—The Assistant Secretary and the Administrator, after consultation with the Secretary of Homeland Security and the Chairman of the Federal Communications Commission, and acting through the Office, shall provide grants to eligible entities for the implementation of phase II E-911 services through planning, infrastructure improvements, telecommunications equipment purchases, and personnel training.

"(2) MATCHING REQUIREMENT.—The Federal share of the cost of a project eligible for a grant under this section shall not exceed 50 percent. The non-Federal share of the cost shall be provided from non-Federal sources.

"(3) COORDINATION REQUIRED.—In providing grants under paragraph (1), the Assistant Secretary and the Administrator shall require an eligible entity to certify in its application that—

"(A) in the case of an eligible entity that is a State government, the entity—

"(i) has coordinated its application with the public safety answering points (as such term is defined in section 222(h)(4) of the Communications Act of 1934) located within the jurisdiction of such entity;

"(ii) has designated a single officer or governmental body of the entity to serve as the

coordinator of implementation of E-911 services, except that such designation need not vest such coordinator with direct legal authority to implement E-911 services or manage emergency communications operations;

"(iii) has established a plan for the coordination and implementation of E-911 services; and

"(iv) has integrated telecommunications services involved in the implementation and delivery of phase II E-911 services; or

"(B) in the case of an eligible entity that is not a State, the entity has complied with clauses (i), (iii), and (iv) of subparagraph (A), and the State in which it is located has complied with clause (ii) of such subparagraph.

"(4) CRITERIA.—The Assistant Secretary and the Administrator shall jointly issue regulations within 180 days of the enactment of the E-911 Implementation Act of 2003, after a public comment period of not less than 60 days, prescribing the criteria for selection for grants under this section, and shall update such regulations as necessary.

"(c) DIVERSION OF E-911 CHARGES.—

"(1) DESIGNATED E-911 CHARGES.—For the purposes of this subsection, the term 'designated E-911 charges' means any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that—

"(A) appear on telecommunications services customers' bills; and

"(B) are designated or presented as dedicated to deliver or improve E-911 services.

"(2) CERTIFICATION.—Each applicant for a matching grant under this section shall certify to the Assistant Secretary and the Administrator at the time of application, and each applicant that receives such a grant shall certify to the Assistant Secretary and the Administrator annually thereafter during any period of time during which the funds from the grant are available to the applicant, that no portion of any designated E-911 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented.

"(3) CONDITION OF GRANT.—Each applicant for a grant under this section shall agree, as a condition of receipt of the grant, that if the State or other taxing jurisdiction within which the applicant is located, during any period of time during which the funds from the grant are available to the applicant, obligates or expends designated E-911 charges for any purpose other than the purposes for which such charges are designated or presented, all of the funds from such grant shall be returned to the Office.

"(4) PENALTY FOR PROVIDING FALSE INFORMATION.—Any applicant that provides a certification under paragraph (1) knowing that the information provided in the certification was false shall—

"(A) not be eligible to receive the grant under subsection (b);

"(B) return any grant awarded under subsection (b) during the time that the certification was not valid; and

"(C) not be eligible to receive any subsequent grants under subsection (b).

"(d) AUTHORIZATION; TERMINATION.—

"(1) AUTHORIZATION.—There are authorized to be appropriated to the Department of Transportation, for the purposes of grants under the joint program operated under this section with the Department of Commerce, not more than \$100,000,000 for each of the fiscal years 2004 through 2008.

"(2) TERMINATION.—The provisions of this section shall cease to be effective on October 1, 2008.

"(e) DEFINITIONS.—As used in this section:

"(1) OFFICE.—The term 'Office' means the E-911 Implementation Coordination Office.